

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**DARREN HARRIS,**  
**Plaintiff,**  
**v.**  
**DR. KIM, et al.,**  
**Defendants.**

CASE NO. 1:05-CV-003 AWI SKO

## **ORDER CLOSING CASE IN LIGHT OF STIPULATION FOR DISMISSAL WITH PREJUDICE**

(Doc. No. 205)

On April 20, 2016, the parties filed a stipulation for dismissal with prejudice. See Doc. No. 205. The stipulation is signed by Plaintiff and counsel for Defendants. See id. Although the stipulation cites Rule 41(a)(2), because both parties have signed the stipulation, the Court construes the stipulation as a Rule 41(a)(1)(A)(ii) stipulation.

Rule 41(a)(1), in relevant part, reads:

(A) . . . the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared. . . . (B) Unless the notice or stipulation states otherwise, the dismissal is without prejudice.

Dismissals under Rule 41(a)(1)(A), when properly filed, are effective immediately and do not require a court order/court approval. See Fed. R. Civ. P. 41(a)(1); Yesh Music v. Lakewood Church, 727 F.3d 356, 362 (5th Cir. 2013); Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d

1 1074, 1077 (9th Cir. 1999); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); In re  
2 Wolf, 842 F.2d 464, 466 (D.C. Cir. 1989).

3 Here, all parties who have appeared in this case have signed the stipulated dismissal. See  
4 Doc. No. 205. Because all parties have signed the stipulated dismissal with prejudice, this case  
5 has terminated automatically. See Fed. R. Civ. P. 41(a)(1)(A)(ii); Yesh Music, 727 F.3d at 362;  
6 Commercial Space, 193 F.3d at 1077.  
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9 Therefore, IT IS HEREBY ORDERED that the Clerk shall CLOSE this case in light of the  
10 parties' properly filed and signed Rule 41(a)(1)(A)(ii) Stipulation Of Dismissal With Prejudice.

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12 IT IS SO ORDERED.

13 Dated: April 27, 2016



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14 SENIOR DISTRICT JUDGE

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